



Legislation Details (With Text)

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**On agenda:** 8/31/2021      **Final action:** 9/14/2021

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**Effective date:** 9/22/2021

**Title:** Ordinance amending and supplementing the Pittsburgh City Code, Title One Administrative, Article XI Human Resources, Chapter 189 Leaves of Absence, Section 189.02 Loss of Pregnancy by adding language to establish fully paid bereavement leave for every City employee who experiences pregnancy loss.

**Sponsors:** Bobby Wilson, Erika Strassburger, Reverend Ricky V. Burgess

**Indexes:** PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/22/2021	2	Mayor	Signed by the Mayor	
9/14/2021	2	City Council	AMENDED	Pass
9/14/2021	2	City Council	Passed Finally, As Amended	Pass
9/8/2021	1	Standing Committee	Affirmatively Recommended	Pass
8/31/2021	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh City Code, Title One Administrative, Article XI Human Resources, Chapter 189 Leaves of Absence, Section 189.02 Loss of Pregnancy by adding language to establish fully paid bereavement leave for every City employee who experiences pregnancy loss.

WHEREAS, pregnancy loss generally occurs in the form of miscarriage, stillbirth, or termination; and

WHEREAS, a miscarriage is the natural loss of a fetus before 20 weeks' gestation; and,

WHEREAS, per the Mayo Clinic, miscarriages occur in about 20% of all pregnancies, generally in the first 12 weeks; and,

WHEREAS, physical symptoms of a miscarriage may include severe back pain, painful contractions, and bleeding; and,

WHEREAS, after a miscarriage, medical or surgical treatment is often required to remove the tissue from the body, and necessitates at least a few days of recovery time; and

WHEREAS, a stillbirth is the loss of a fetus after 20 weeks' gestation; and

WHEREAS, per the Centers for Disease Control, one out of every 100 American pregnancies ends in stillbirth;

and

WHEREAS, per the American Journal of Obstetrics & Gynecology, 29% of women who experience a miscarriage or stillbirth experience post-traumatic stress disorder, 24% experience anxiety, and 11% experience moderate to severe depression, all of which can have negative long-term impacts and require time and treatment to heal from; and

WHEREAS, per the Gender Equity Commission's 2019 report "Pittsburgh's Inequality Across Gender and Race," pregnancy loss is twice as likely among Pittsburgh's Black women compared to its White women; and

WHEREAS, per the same report, the rate of pregnancy loss for both Black and White women in Pittsburgh is over 90 percent higher than the rate of pregnancy loss for Black and White women in similar American cities; and

WHEREAS, any City employee who experiences a miscarriage, stillbirth, or termination should not have to use sick days, expend paternity or maternity leave, lose income by taking unpaid leave, or just work through the resulting physical and psychological trauma without taking time to heal; and

WHEREAS, as a major regional employer, the City of Pittsburgh can establish a model of a compassionate workplace where a loss of pregnancy can be more freely acknowledged and affected City employees fully supported at and by their place of work.

**The Council of the City of Pittsburgh hereby enacts as follows:**

Section 1. The Pittsburgh Code, Title One Administrative, Article XI Human Resources, Chapter 180 Human Resources Administration, Section 180.01 Definitions and Chapter 189 Leaves of Absence is hereby amended as follows:

CHAPTER 180 - HUMAN RESOURCES ADMINISTRATION  
§ 180.01 - DEFINITIONS.

As used in this Chapter, certain terms are defined as follows:

- a) *NONCAREER SERVICE*. Includes those positions in the unclassified service as defined in Section 7 of the General Civil Service Statute (53 P.S. Sec. 23439) and additional positions as designated by this Chapter. The noncareer service shall include the following positions:
  1. All elected officials.
  2. All executive secretaries or assistants to the Mayor, one (1) clerical secretary to each executive secretary and one (1) private secretary to the Mayor.
  3. Administrative and Research Assistants to each Council Member, Legal Adviser to Council, the Budget Controller, Assistant Budget Controller, one (1) Budget Technician, Financial Analyst, as needed, the City Clerk, the Assistant City Clerk, one (1) Secretary to the City Clerk, one (1) Administrative Assistant, one (1) Supervisory Clerk and one (1) Systems Analyst Programmer III.
  4. The Deputy Controller, Controller's Engineer, Accounting Officer, Executive Secretary, Controller's Solicitor, one (1) private secretary to the Controller, Controller's Assistant Executive Secretary, Controller's Information Systems Manager, Payroll Audit Supervisor, Prevailing Wage Officer, Assistant Payroll Audit Supervisor, Accountant 3, Materials Supervisor and Assistant Accounting Manager.
  5. All magistrates and members of statutory, Charter or ordinance boards, and commissions.

6. All department heads, (heads of major administrative units), deputy and assistant directors, superintendents, one (1) administrative assistant to each department head and one (1) secretary to each department head.
  7. All attorneys in the Department of Law.
  8. Part-time employees and employees whose employment does not exceed 180 days per year.
- b) *CAREER SERVICE*. All positions other than those listed as "noncareer service".
  - c) *GENERAL CIVIL SERVICE STATUTE*. The Act of May 23, 1907, P.L. 206, (53 P.S. Sec. 23431 et seq.), as amended, and any subsequent amendments thereto.
  - d) *FIRE AND CIVIL SERVICE STATUTE*. The Act of June 27, 1939, P.L. 1207 (53 P.S. Sec. 23491 et seq.) as amended, and any subsequent amendments thereto.
  - e) *POLICE CIVIL SERVICE STATUTE*. The Act of August 10, 1951, P.L. 1189 (53 P.S. Sec. 23531 et seq.) as amended, and any subsequent amendments thereto.
  - f) *DIRECTOR OF HUMAN RESOURCES AND CIVIL SERVICE*. The head of the Department of Human Resources and Civil Service as provided in Chapter 145.
  - g) Where a position is named by title in this Chapter, it includes any change of title for the position which may hereafter be made.
  - h) *LOSS OF PREGNANCY*. Loss of pregnancy includes miscarriage, stillbirth, termination, failed in vitro fertilization procedures, or surrogacy loss or any other medical condition or event that is related to or caused by miscarriage, stillbirth, termination, failed in vitro fertilization procedures, or surrogacy loss across the duration of the gestation period.

## CHAPTER 189 - LEAVES OF ABSENCE

### § 189.01 - DEATH IN IMMEDIATE FAMILY.

Every City employee shall be granted three (3) days absence from employment without loss of pay whenever a death occurs in the immediate family of the employee. The term "immediate family" means "spouse, parent, parents of spouse, child, brother or sister."

### § 189.02 - LOSS OF PREGNANCY.

- a) The City of Pittsburgh shall provide a maximum of three (3) days of paid bereavement leave ~~to for~~ all ~~of its non-union~~ **City** employees, and **to all union City employees as subject to collective bargaining requirements**, ~~all other employees covered by collective bargaining agreements whose agreements explicitly provide for this benefit~~, in the event that either the City employee or the City employee's partner experiences a loss of pregnancy. This leave shall apply equally to parents regardless of gender, as well as to same-sex couples, in the event of a loss of pregnancy.
- b) The Director of the City of Pittsburgh's Department of Human Resources & Civil Service, or their designee, shall have full authority to issue policies relative to paid bereavement leave benefits offered pursuant to this ordinance for any purpose, including, but not limited to, notification requirements for employees requesting leave, employee eligibility, and documentation requirements for loss of pregnancy.
- c) For City employees who work 40 hours or more per week, a maximum of three (3) days of paid bereavement leave for the loss of pregnancy may be taken, either consecutively or non-consecutively, as sought by the City employee and in accordance with the City of Pittsburgh's Department of Human Resources & Civil Service existing policies regarding other forms of bereavement leave.
- d) For City employees who work fewer than 40 hours a week, paid bereavement leave shall be provided in an amount equal to the average daily number of hours the City employee works in three days out of a 14-day period. This leave can be taken either consecutively or non-consecutively, as sought by the City employee and in accordance with the City of Pittsburgh's Department of Human Resources & Civil Service existing policies regarding other forms of bereavement leave.

- e) ~~For the process of terminating a pregnancy, the City employee is barred from taking paid bereavement leave, and instead may choose to take medical leave.~~

§ 189.03 - LEAVES WITHOUT PAY.

The heads of the various departments may grant leaves of absence without pay for a period not to exceed six (6) months which may be renewed for an additional period not to exceed six (6) months without pay and which shall be in conformity with Civil Service Commission regulations.

§ 189.04 - APPLICABILITY.

This Chapter shall not apply to temporary per diem employees employed on a basis of less than two hundred forty (240) days per year nor to those who are absent from their employment by reason of military service.